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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/037,391	01/02/2002	Devadatta V. Bodas	42390.13135	7338

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EXAMINER

BUTLER, DENNIS

ART UNIT	PAPER NUMBER
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2115

DATE MAILED: 11/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/037,391

Applicant(s)

BODAS, DEVADATTA V.

Examiner

Dennis M. Butler

Art Unit

2115

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 7-13, 16-21 and 24-30 is/are rejected.
- 7) ☒ Claim(s) 5, 6, 14, 15, 22 and 23 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 05102002.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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1. This action is in response to the application filed on January 2, 2002. Claims 1-30 are pending.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-4, 7-13 and 16-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Appel, U. S. Patent 6,223,056.

Per claims 1 and 10:

A) Appel teaches the following claimed items:

1. monitoring a level of power consumption (RF Output Power and DC Prime Power levels) of a system with figure 4, at column 8, lines 35-43 and at column 8, line 66 – column 9, line 5;
2. adjusting the power consumption of one or more components when the monitored power consumption violates a power consumption policy (target power

ratio) with figure 4, at column 6, lines 13-15, at column 8, lines 53-65 and at column 9, lines 6-43;

3. setting the one or more components to a different operation mode without having to power off the one or more components with the DC prime power level modes BC1 through BCn at column 7, lines 15-27 and at column 8, lines 61-65.

Per claims 2-4, 7-9, 11-13 and 16-17:

Appel describes including high and low threshold levels/values at column 9, lines 6-8. Appel describes that the policy includes information about the one or more components in the system and information about how to adjust the power consumption of the one or more components with the RF power out and DC prime power information in the power ratio and the inherent relationship between the power ratio and the bias control signals used by control processor 215 to adjust and control the DC prime power component of the power ratio based on the measured or determined power levels with figures 2 and 4 and at column 6, lines 44-58. Appel describes accessing information about a current level of power consumption from a power supply/component at column 6, lines 44-65. Appel describes that the one or more components contribute to the power consumption of the system at column 6, line 59 – column 7, line 2.

5. Claims 18-21 and 24-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Appel, U. S. Patent 6,223,056.

Per claims 18 and 26:

A) Appel teaches the following claimed items:

1. logic/means for monitoring a level of power consumption (RF Output Power and DC Prime Power levels) of a system with figure 4, at column 8, lines 35-43 and at column 8, line 66 – column 9, line 5;

2. logic/means for adjusting the power consumption of one or more components when the monitored power consumption violates a power consumption policy (target power ratio) with figure 4, at column 6, lines 13-15, at column 8, lines 53-65 and at column 9, lines 6-43.

B) The claims seem to differ from Appel in that Appel fails to explicitly teach gradually adjusting the power consumption of the one or more components until the system stops violating the power consumption policy as claimed.

C) However, Appel describes including bias control signals BC1 through BCn that are used to select one of 2^n DC prime power levels at column 7, lines 25-27. In addition, Appel describes that control processor 215 continually monitors the values of RF POWER OUT and DC PRIME POWER to determine whether the DC prime power in the variable power transmitter amplifier may be reduced by sending the control signals BC1 through BCn at column 6, lines 50-58.

Therefore, Appel discloses providing a plurality of power adjustment levels and a control processor that continually monitors and adjusts the power level using the plurality of power adjustment levels. The selection of one of 2^n DC prime power levels disclosed by Appel in combination with the continuous monitoring clearly suggests a gradual or fine grained adjustment of power consumption. It would have been obvious to one having ordinary skill in the art at the time the invention

was made to gradually adjust the power consumption of the one or more components until the system stops violating the power consumption policy, as suggested by Appel, in order to maintain a finer level of control over the power consumption of the system.

Per claims 19-21, 24-25 and 27-30:

Appel describes including high and low threshold levels/values at column 9, lines 6-8. Appel describes that the policy includes information about the one or more components in the system and information about how to adjust the power consumption of the one or more components with the RF power out and DC prime power information in the power ratio and the inherent relationship between the power ratio and the bias control signals used by control processor 215 to adjust and control the DC prime power component of the power ratio based on the measured or determined power levels with figures 2 and 4 and at column 6, lines 44-58. Appel describes accessing information about a current level of power consumption from a power supply/component at column 6, lines 44-65. Appel describes that the one or more components contribute to the power consumption of the system at column 6, line 59 – column 7, line 2. Appel describes reducing and increasing the power consumption of the one or more components at column 9, line 51 – column 10, line 9.

6. Claims 5-6, 14-15 and 22-23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dennis M. Butler whose telephone number is 571-272-3663. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dennis M. Butler
Dennis M. Butler
Primary Examiner
Art Unit 2115